

MINUTES OF THE METRO COUNCIL MEETING

Thursday, January 13, 2005
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Robert Liberty, Rex Burkholder, Carl Hosticka, Brian Newman

Councilors Absent: Rod Park (excused)

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. GRANT THORNTON FINANCIAL STATEMENT AUDIT

Alexis Dow, Metro Auditor, introduced Grant Thornton's auditors, Gary Homsley and Ray Barlow. They would be presenting the annual financial statement audit. She spoke to requirements of the audit. She talked about the Comprehensive Annual Financial Report (CAFR). It presented an element of accountability. This audit was a joint venture between herself, the Accounting Department and Grant Thornton. She recognized Don Cox and Karla Lenox, Accounting Department. Don Cox, Accounting Manager, acknowledged the efforts of all of the accounting staff, particularly Karla Lenox. He highlighted the CAFR. He noted required changes such as an overview of Metro's long term financial planning. He noted Metro's excellence award for financial reporting.

Mr. Homsley said this year marked the third year of reporting for Metro. They had presented the reports to the auditor and management. Mr. Barlow, Senior Audit Manager gave an overview of the audit process, their opinion on financial statements and their opinion on recommendations. He noted the standards that they were required to follow. He said they had a clean opinion. He noted necessary compliance reports. They noticed three items that they were required to report, instances where expenditures exceeded appropriations, collateral issues with one account and increased expenditures in a particular fund more than 10%. This expenditure was subsequently adjusted. Councilor Newman asked about Metropolitan Exposition-Recreation Commission (MERC) Metro issues from last year's report. Mr. Barlow said the financial controls were in place and there were very few issues that had to be addressed. There were significant improvements. Councilor McLain asked if there was anything that had jumped out at them? Mr. Barlow said nothing came to mind. Ms. Dow commented that Don Cox and Karla Lenox did an excellent job. Council President Bragdon talked about transitions in the industry and how accounting was done. How had the transition progressed? Mr. Barlow responded to his question. Michael Jordan, Chief Operating Officer (COO), complimented Ms. Lenox, Mr. Cox and Ms. Kathy Taylor at MERC. Councilor Liberty asked about liability. Mr. Cox responded to his question.

4. URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN 2004 ANNUAL COMPLIANCE REPORT PRESENTATION

Sherry Oeser, Planning Department, said she would be covering most of the compliance report. Council had received the report last month. She spoke to the process including a public hearing and an order to be considered by Council after the public hearing. She talked about Title 1 through 6 (details on compliance were included in the report). She spoke to the impact of Ballot Measure 37 and some of the changes cities were looking at. She noted that cities and counties would be invited to the public hearing to respond to compliance issues.

Councilor McLain asked about Clackamas County's request for an exception. Ms. Oeser talked about Title 11 and what areas were considered in this compliance report. No jurisdiction was out of compliance at this time. There were several jurisdictions that may not meet their March 31, 2005 deadline. She noted the map (a copy of which is included in the record). She suggested a discussion on Title 11 at a future agenda. She said there were several issues that would be coming up this year on Title 1.

Councilor McLain asked about Title 11. She asked how many jurisdictions were they talking about. Ms. Oeser said there were several. Councilor McLain recommended a discussion on non-compliance and establishing a process for planning deadlines. Ms. Oeser said there were 11 jurisdictions that they didn't think would meet the March deadline for varying reasons. Council President Bragdon talked about capacity. Had there been discussion with the jurisdictions about methodology? Ms. Oeser said they were still considering what to do.

Gerry Uba, Planning Department, presented the compliance of the housing title, Title 7. He said three jurisdictions had complied with this title, Beaverton, Portland, and Multnomah County. He noted who had not complied. There were also some jurisdictions that had interim reports. He spoke to the various components of Title 7. He also noted some of the reasons why jurisdictions were not in compliance including lack of resources, no regional funding supporting affordable housing, no desire to comply, and an inability to implement strategies. Finally, the COO had sent out a letter to the jurisdictions reminding them of the final report responsibilities and the public responses they had received. Three jurisdictions had responded to the letter, Beaverton, Portland and Multnomah County. Generally the public was in support of adopting an affordable housing strategy. He pointed out other things that were currently happening. There was a greater awareness of the need to produce affordable housing. There were jurisdictions that were making a greater effort to increase affordable housing such as Gresham, Beaverton and Lake Oswego. He spoke to next steps. There would be a new housing committee. He felt it would add improvements to what we were achieving in the housing arena.

Councilor Liberty asked what progress was being made toward achieving the regional affordable housing goals, specifically the targets for families earning 30% and 50% of median household income that are part of the framework plan. Mr. Uba said the jurisdictions were required to consider strategies but not necessarily adopt them. Councilor Liberty asked how many had made a report in terms of numbers of affordable housing? Mr. Uba said no jurisdictions had reported. Councilor Liberty expressed concern about the progress of the reporting and wondered whether in the absence of any information we shouldn't assume we were moving backwards in terms of the actual supply of affordable housing. Mr. Uba said the progress that had been made would be considered in the next several months. They would be coming back to Council. Councilor Liberty asked about asking for outcomes on the ground. Mr. Uba said they would be asking for these outcomes. Councilor Liberty said the outcomes were what they were interested in. Mr. Uba said

there were many cities that did not have resources to identify the number of units produced in their area. He was hopeful Metro could work with the local governments to get more data. Councilor McLain thanked Mr. Uba for his hard work in fulfilling our responsibilities. She did agree with Councilor Liberty's remarks. She felt the Metro Council needed to take on some added leadership and responsibility to figure out what this task force should focus on. She felt we hadn't done a thing after nine years. It was time to step up to the plate to figure out what we could ask of the jurisdictions. Mr. Uba said they would be inviting them to come to the public hearing. Ms. Oeser said the notice would be sent out tomorrow. Councilor McLain suggested a positive letter thanking those who had complied.

Council President Bragdon concurred with Councilor McLain's comments. He said both Councilors Burkholder and Liberty were working on this issue. Councilor Liberty echoed Council President Bragdon's comments and concerns. He emphasized that he was interested in getting housing choices built on the ground not in imposing more paperwork on local governments.

5. CONSENT AGENDA

- 5.1 Consideration of Minutes for the January 6, 2005 Metro Council Regular Meeting.
- 5.2 Removed from the consent agenda.
- 5.3 **Resolution No. 05-3522**, For the Purpose of Authorizing the Chief Operating Officer to Execute Change Order No. 2 to the Contract With Philip Services Corporation for Disposal of Wastewater and Waste Paint Generated at Metro's Latex Paint Recycling Facility.
- 5.4 **Resolution No. 05-3530**, For the Purpose of Confirming Appointments to the Greenspaces Policy Advisory Committee (GPAC).

Motion:

Councilor McLain moved to adopt the meeting minutes of the January 6, 2005 Regular Metro Council and Resolution Nos. 05-3522, and 05-3530.
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Vote:

Councilors Burkholder, McLain, Liberty, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

6. ORDINANCES – FIRST READING

- 6.1 **Ordinance No. 05-1069**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule, Transferring \$18,000 from the Support Services Fund Contingency to Capital Outlay in the Property Services Division of the Finance and Administrative Services Department, Amending the FY 2004-05 through 2008-09 Capital Improvement Plan For the Purchase of a Copier; and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 05-1069 to the Council.

7. ORDINANCES – SECOND READING

7.1 **Ordinance No. 04-1067**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule for the Purpose of Transferring \$97,902 From Contingency to Personal Services in the Planning Fund to Add 1.0 FTE Regional Planning Director (Program Director II); and Declaring an Emergency.

Motion:	Councilor Burkholder moved to adopt Ordinance No. 04-1067.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder explained the budget amendment and the need to restore that position and the responsibilities of the position. Council President Bragdon talked about his budget for this fiscal year. He had put funds aside for this position. He felt this money would be well spent. He was happy to support this today.

Council President Bragdon opened a public hearing on Ordinance No. 04-1067. No one came forward to testify. Council President Bragdon closed the public hearing.

Vote:

Councilors Hosticka, Burkholder, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 05-3525**, For the Purpose of Authorizing the Exemption From Competitive Bidding Requirements and Authorizing the Chief Operating Officer to Issue a Design/Build Request for Proposals (RFP), for the Design, Engineering and Construction of Innovative Stormwater Improvements at the Oregon Zoo.

Motion:	Councilor Newman moved to adopt Resolution No. 05-3525.
Seconded:	Councilor Hosticka seconded the motion

Councilor Newman spoke to the resolution. He said Metro and the City of Portland had entered into an Intergovernmental Agreement (IGA) for stormwater improvements at the Oregon Zoo. He noted budget issues and the reason for the need for a design/build approach. He talked about the exemption process. The Oregon Zoo would use a competitive process in the RFP. He urged support.

Vote:

Councilors Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

8.2 **Resolution No. 05-3526**, For the Purpose of Approving the Release of a Request for Proposals and Award of Contract for Design and Engineering Services for Public Access Facilities at the Mt. Talbert Natural Area

Motion:	Councilor Newman moved to adopt Resolution No. 05-3526.
Seconded:	Councilor McLain seconded the motion

Councilor Newman said this resolution allowed for a release of a Request For Proposal for design and engineering services at Mt. Talbert. This was the very first effort in our Parks Department's effort to develop new open space properties. He noted the four properties, which would be developed. Mt. Talbert was the first choice to open because of what was already in place. Heather Nelson, Parks and Greenspaces, said she would be happy to walk the Council through the Master Plan. She shared a map of the facility. She noted the access points into the park's facility. She talked about the design and engineering processes and plans. She said the site provided opportunities for educational and restoration opportunities. They would be providing the public entrance point. She detailed some of the project goals. Councilor Burkholder asked what the RFP covered? He understood that this RFP was for design and other services. Ms. Kent said yes. They anticipated this phase would take 12 to 18 months before they could break ground on the project.

Councilor Burkholder asked about the public involvement. Ms. Kent said typically they didn't have public involvement unless there were concerns. They would be working with the retirement center near by, the county and the city. Council President Bragdon said they had the public testify when the master plan was adopted. Ms. Kent explained when they did have public involvement. Council President Bragdon said there was a lot of regional support for this site. He said they would be utilizing project managers from the Solid Waste and Recycling Department. He asked Ms. Kent to provide more details. Ms. Kent said they had great experts on staff. They typically would be the project manager that worked with the consultant team. She said they had a number of experts that would be providing services. Councilor Newman said this area had had explosive growth over the last decade. This was a great public service for Metro to provide this service. He thanked the Parks Department and Don Trotter, Chair of the Advisory Board for the North Clackamas Parks and Recreation Board, and Charlie Ciecko, Director of the North Clackamas Parks and Recreation District.

Vote:

Councilors Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

**9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE
REAL PROPERTY TRANSACTIONS.**

Time began: 3:23 pm

Members present: Jim Desmond, Michael Jordan, Dan Cooper, Nancy Chase

Time Ended: 3:40pm

9.1 **Resolution No. 05-3528**, For the Purpose of Authorizing the Chief Operating Officer to Contribute towards the Purchase of Property by the City of Portland in the Forest Park Target Area.

Motion:	Councilor Liberty moved to adopt Resolution No. 05-3528.
Seconded:	Councilor McLain seconded the motion

Councilor Liberty said there were three special circumstances that obliged the Council act on the expenditure of open space bond funds for this property, which otherwise would be done by the Chief Operating Officer. This had been a property that was targeted for purchase for many years for use as a trailhead, parking area and toilet for Forest Park. Its purchase had been complicated by concern over contamination on the site by PCBs during its ownership by PGE, which had

spent substantial sums cleaning up the property. Metro funds would be used to purchase the property for the City of Portland, rather than for ownership by Metro. Through this arrangement, the City would be liable for any additional clean up if there was additional contamination. In addition to these two circumstances, the purchase was in excess of the amount for the Forest Park target area.

Councilor Burkholder supported this purchase to improve access to Forest Park. It was important that they were helping out the City of Portland as well as the citizens on the region. Council President Bragdon spoke to the regional significance of the purchase. Councilor Liberty thanked Jim Desmond and Nancy Chase for their eight years of effort on this purchase.

Vote:

Councilors Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

9.2 **Resolution No. 05-3521**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System license to Safeway, Inc. For Delivery of Source Separated Pre-Consumer Food Waste to the Nature’s Needs Facility for Composting.

Motion:	Councilor McLain moved to adopt Resolution No. 05-3521.
Seconded:	Councilor Newman seconded the motion

Councilor McLain introduced the resolution. She had asked that it be pulled off the consent agenda. She said they had made a change in their Code for Council to consider facilities that take in wet or putrescible waste instead of having the COO approve the license. She spoke to the safety and public health criteria. She said it was important that the public hear that there were no concerns about this operation. She asked Roy Brower, Solid Waste and Recycling Department, to provide an update to the Council.

Roy Brower said the resolution would authorize Safeway to take source separated pre-consumer food waste to the Nature’s Need facility. He explained the need for the non-system license (NSL). Safeway applied for an NSL in 2003. Safeway consolidated their food waste at the Clackamas Distribution facility and then would take the waste to Nature’s Need. Staff had no issues with what they were proposing to do. Department of Environmental Quality (DEQ) authorized nature’s Needs. They recommended approval.

Councilor McLain suggested how to use the consent agenda and when the Council should consider a resolution for the benefit of the public. Mr. Brower said Nature Needs only took vegetative food waste. Councilor Liberty asked about bakery waste and why it was vegetative waste? Mr. Brower said that was currently being considered by DEQ. Councilor Liberty asked about the odor complaints for Nature Needs. Councilor McLain said Nature’s Needs had addressed those concerns. She was trying to make sure that the public understood their concerns about the criteria for safety and health, like odor. The Council took these issues seriously and reviewed these carefully before granting a non-system license.

Vote:

Councilors Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

10. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, Chief Operating Officer (COO), asked about the compliance report and the public hearing. He wondered if they wanted a work session on this issue. Council President Bragdon said there were two issues, housing and development of new areas. Councilor Newman thought they would bring this to Metro Policy Advisory Committee (MPAC). Mr. Jordan asked if MPAC should have a meeting before the public hearing. Councilor McLain felt they should have a work session and then send a letter from MPAC. Councilor Burkholder said it raised issues for Joint Policy Advisory Committee on Transportation (JPACT) as well because Metropolitan Transportation Improvement Program (MTIP) funding required compliance. He felt a work session was useful.

11. COUNCILOR COMMUNICATION

Council President Bragdon said Monday was Martin Luther King holiday and Metro Regional Center will be closed. He talked about the Metropolitan Exposition-Recreation Commission General Manager's search.

Councilor Newman said he had gone to a meeting with Clackamas County and Happy Valley to discuss school overcrowding and growth in that area. They would like to have a discussion with Metro and have Metro use them as a case study. He felt it would be informative to Council. Councilor McLain said they had asked schools to analyze the facilities needs over a five-year plan. She talked about their conversations with the schools. She felt it was time for an update. She spoke to infrastructure issues and concerns. She had attended public forums over the past month. They had brought up the issue of concurrency. They were aware that we don't have the money for infrastructure for land that had been added to the Urban Growth Boundary (UGB). They were also concerned about Measure 37. They were concerned about Goal 14. They were asking about public involvement. She hoped that Metro would get something out to the public that would alert Land Conservation and Development Commission (LCDC) to the need for public comment.

12. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:00p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JANUARY 13,
2005

Item	Topic	Doc Date	Document Description	Doc. Number
5.1	Minutes	1/6/05	Minutes of the Metro Council Meeting of January 6, 2005	011305c-01
4	Compliance Report	12/23/04	To: Metro Council From: Sherry Oeser and Gerry Uba, Planning Department Re: Urban Growth Management Functional Plan Annual Compliance Report 2004	011305c-02
3	Financial Statement Audit	June 30, 2004	To: Metro Council From: Grant Thornton Re: Schedule of Expenditures of Federal Awards and Reports of Independent Certified Public Accountants Metro Year ended June 30, 2004	011305c-03
3	CAFR	June 30, 2004	To: Metro Council From: Don Cox, Accounting Department Re: Comprehensive Annual Financial Report for the year ended June 30, 2004	011305c-04